



**NOTICE OF DECISION**  
Development Services Department

<b>Project Name:</b>	Hygeia Residence (Parcel 2)
<b>Request:</b>	Time Extension for an approved Coastal Development Permit for the construction of a new single-family residence (Development Services Decision No. DSD-2020-46 for (Case No. CDP-003366-2019)
<b>Discretionary Actions:</b>	Time Extension (EXT) Coastal Development Permit (CDP)
<b>CEQA Determination:</b>	Exempt
<b>DECISION:</b>	APPROVED
<b>Project Number:</b>	MULTI-005865-2022; CDPNF-005866-2022; and EXT-005867-2022
<b>DSD Number:</b>	2023-28
<b>Location:</b>	806 Hygeia Avenue
<b>Community:</b>	Leucadia
<b>APN:</b>	256-040-76-00
<b>Applicant:</b>	Deborah Shewaga
<b>Representative:</b>	Deborah Shewaga
<b>Project Planner:</b>	Melissa Vasquez, Assistant Planner <a href="mailto:mvasquez@encinitasca.gov">mvasquez@encinitasca.gov</a>
<b>Decision Date:</b>	May 5, 2023
<b>Report Approval:</b>	<input checked="" type="checkbox"/> Katie Innes, Planning Manager <input checked="" type="checkbox"/> J. Dichoso, AICP, Senior Planner

## PROJECT DESCRIPTION

The application proposes to extend the approval of an approved Coastal Development Permit (CDP) for a period of one year. The CDP authorized the construction of a new single-family

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residence on a legal lot for the site located at 806 Hygeia Avenue (Parcel 2) in the Leucadia community area.

EMC Section 30.80.164 (Extension of Coastal Development Permit) allows for the extension of an approved Coastal Development Permit application. The applicant is not proposing any modifications to the approved project or adding/modifying conditions of the approved Coastal Development Permit.

## PROJECT ANALYSIS

### *Background*

Development Services Decision No. DSD-2020-46 (Case No. CDP-003366-2019) dated December 22, 2020, approved a Coastal Development Permit for the construction of a new single-family dwelling on Parcel 2 in association with a two-lot subdivision pursuant to Development Services Decision No. DSD-2020-45 (Case No. MULTI-003363-2019) dated October 27, 2020. The Coastal Development Permit approval (Case No. CDP-003366-2019) for the single-family residence on Parcel 2 expired on December 22, 2022.

The CDP maintains compliance with all applicable policies of the General Plan, Local Coastal Program, and provisions of the Municipal Code. All utilities and services are available to serve the site.

The following building and grading permits are associated with construction on the property and are being processed concurrently with this time extension request. The permits below would be issued following the approval of the Time Extension and recordation of the final map.

Parcel	Building Permit – Single-Family Residence	Building Permit - Accessory Dwelling Unit	Grading Permit – Parcels 1 and 2
1	BLDR-015922-2021	BLDR-015962-2021	LDEV-013502-2020 issued October 10, 2023
2	BLDR-015924-2021	BLDR-015963-2021	

### *Project Site Characteristics*

The project site is a vacant parcel and is located within the community of Leucadia. The area was primarily developed in the 1960s and the 1970s and includes primarily single-family homes. The proposed single-family residence is consistent with the underlying zoning, surrounding neighborhood, and land uses.

The table below summarizes the General Plan Land Use Designation, Zoning District, Special Purpose Overlay Zones, and other notable City plans that regard the project site:

<b>General Plan</b>	Residential 8 (R-8)
<b>Specific Plan</b>	None
<b>Zoning District</b>	R-8
<b>Zoning Overlay</b>	Coastal Overlay Zone
<b>Other Key City Plan</b>	None
<b>Notable State or Regional Plan and Law</b>	None

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### **Adjacent Area**

The immediately surrounding area around the project site is developed and consists primarily of single-family homes.

Direction	General Plan and Zoning District	Land Use
North	Residential 8 (R-8) /R-8	Single-Family Residence
South	Residential 8 (R-8) /R-8	Single-Family Residence
East	Residential 8 (R-8) /R-8	Single-Family Residence
West	Residential 8 (R-8) /R-8	Single-Family Residence

### **General Plan Consistency**

The City of Encinitas General Plan includes goals and policies that guide development and land use within the City. A discussion of how the project is consistent with applicable General Plan policies is summarized below:

General Plan Land Use Designation	Explanation of Project Conformance
<b>LAND USE POLICY 1.12:</b> The residential character of the City shall be substantially single-family detached housing.	The time extension will allow a previously approved single-family residence, which is consistent with this policy and the the R-8 zoning standards.

### **Municipal Code Analysis**

Below is a table summarizing how the proposed project meets the applicable zoning standards for the R-8 Zone. The applicant is not proposing any modifications to the approved project, nor adding/modifying any conditions of approval for the project, therefore, the project will maintain consistency with the R-8 development standards, as determined by Development Services Department, Decision No. DSD-2020-46 (Case No. CDP-003366-2019), and as outlined below:

Development Standard	Project Proposed	Complies?
Minimum Net Lot Area: 5,400 square feet	9,492 gross square feet 9,092 net square feet	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
Lot Width - 60 feet minimum	100.4 feet	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
Lot Depth - 90 feet minimum	122.7 feet	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
Panhandle Lot Width - 20 feet	20 feet	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
Front Yard Setback - 25 feet	25 feet-2 inches	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
Rear Yard Setback - 25 feet	25 feet-2 inches	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
Interior Side Yard Setback - 5 feet and 10 feet	5 feet on the east side and 10 feet on the west side.	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>

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Development Standard	Project Proposed	Complies?
Lot Coverage - 40 percent maximum	33 percent	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
Floor Area Ratio – 0.6 (60 percent)	35 percent	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
Parking – 3 parking spaces for dwelling units in excess of 2,500 square feet. Third space may be enclosed or unenclosed.	Two enclosed parking spaces and one unenclosed parking space	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
Building Height – Two stories and 22 feet to top of roof directly above exterior walls and 26 feet to peak of a minimum 3:12 pitched roof.	24 feet-9 ½ inches to top of pitched roof.	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>

### Time Extension

EMC Section 30.80.164 (Extension of Coastal Development Permit) allows for the extension of an approved Coastal Development Permit application. According to this code section, upon application to the Director and good cause having been shown, and that there are no changed circumstances that would affect the development's consistency with the certified Local Coastal Program, the Director may, on one or more occasions, extend the expiration period on a coastal development permit. A request for such an extension shall be filed with the Director at least 15 days prior to the expiration of the coastal development permit, together with the required application fee and evidence of the applicant's continued legal interest in the property. However, the total of all extensions shall not exceed a period of two years.

Development Services Decision No. DSD-2020-46 (Case No. CDP-003366-2019) dated December 22, 2020, approved the construction of a new single-family dwelling on Parcel 2 in association with a two-lot subdivision (Development Services Decision No. DSD-2020-45 (Case No. MULTI-003363-2019) dated October 27, 2020). A timely request for an extension was requested.

The subject time extension would not be modifying the original conditions of approval and the project is consistent with the Certified Local Coastal Program. In the time between the approval and the submittal of the extension request, there was no change in City policies that would conflict with the project.

Further, EMC Section 30.80.164 (Extension of Coastal Development Permit) allows the Director to determine if a public hearing may be required. EMC Section 2.28.090 (Director of Development Services) states the Director or designee shall make a final determination for extension requests. Therefore, the Director determined that since the subject time extension would not be modifying any original approvals, and there are no changed circumstances that would affect the development's consistency with the Local Coastal Program, no public hearing is required. The proposed time extension will extend the expiration by one year from December 22, 2022, to December 22, 2023.

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### ***Local Coastal Program Consistency***

The proposed project site is located within the Coastal Zone and adheres to the applicable development standards of the R-8 Zone provided in the Encinitas Municipal Code and the applicable goals and policies of the General Plan, which ensures consistency with the City's adopted Local Coastal Program.

### **PUBLIC NOTICE AND PARTICIPATION**

#### ***Public Notice***

The Notice of Pending Action on the Time Extension and Coastal Development Permit were mailed on March 9, 2022, to all property owners and occupants within 500 feet of the project site and to anyone who requested such notice in writing, in compliance with EMC Sections 30.01.070 and 30.80.080, as applicable. Additionally, as a courtesy, the notice was posted at City Hall and on the Development Services Department's Internet site under "Public Notices." No comments were received in that time period.

### **ENVIRONMENTAL CONSIDERATIONS**

The applicant is requesting a time extension for a previously-approved Coastal Development Permit to construct a new single-family residence. The project has been determined to be exempt from environmental review pursuant to California Environmental Quality Act (CEQA) Guidelines Section 15061 (b)(3) (Review for Exemption). This section exempts projects where it can be seen with certainty that there is no possibility that the activity in question (time extension) may have a significant effect on the environment.

The project meets the criteria for this exemption. No historic resources are affected by the construction proposed with the project. None of the exceptions in Section 15300.2 exists. Further, the proposed time extension does not result in any new impacts not previously considered by the prior environmental review, a Final Mitigated Negative Declaration adopted at the October 27, 2020, administrative hearing.

### **DISCUSSION**

The proposed project maintains consistency with the General Plan, Local Coastal Program, and EMC 30.16 (Residential Zones) and 30.80 (Coastal Development Permit). Additionally, all public improvements and utility services are available to serve the property. The project meets all of the applicable development standards for the R-8 Zone and the current circumstances of the subdivision, site and surrounding area remain unchanged.

The subject time extension would not be modifying any original approvals, conditions of approval, or project features, and no conditions have been added, no additional fees are required, and the single-family residence is not altered. The project is consistent with all R-8 zone development standards including setbacks, lot coverage, floor area ratio and building height requirements. The proposed project is also consistent with the development character of the surrounding neighborhood.

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## FINDINGS

**Based on findings for an extension of an approved Coastal Development Permit as per Encinitas Municipal Code Section 30.80.164 and the aforementioned analysis, the Development Services Department has made the following finding to support the approval, with conditions:**

Finding for a Coastal Development Permit	Explanation of Finding
<p>Upon application to the Director and good cause having been shown, the Director may, on one or more occasions, extend the expiration period on the coastal development permit if the Director finds that there are no changed circumstances which would affect the development's consistency with the certified Local Coastal Program. A request for such an extension shall be filed with the Director at least 15 days prior to the expiration of the coastal development permit, together with the required application fee and evidence of the applicant's continued legal interest in the property. However, the total of all extensions shall not exceed a period of two years. Upon proper filing of an application for extension, public notice shall be made in accordance with Chapter 30.01 as modified by this chapter. A public hearing may be required. (Ord. 95-04)</p>	<p>A Time Extension for a Coastal Development Permit was filed in a timely manner for Development Services Decision No. DSD-2020-46 (Case No. CDP-003366-2019) dated December 22, 2020. This is the initial request for a one-time extension and no changes are proposed to the project design, nor are any of the original conditions proposed to be modified. The applicant is seeking a one-year time extension, which would extend the expiration date from December 22, 2022, to December 22, 2023. The Director finds that good cause has been shown and no changes to the project or circumstances would occur to impact the consistency with the Local Coastal Program.</p>

## CONCLUSION

The Development Services Department has determined that the time extension for the Coastal Development Permit is consistent with the City's certified Local Coastal Program, including all applicable policies of the General Plan and provisions of the Municipal Code. The subject time extension would not be modifying any original approvals, conditions of approval, or project features, and no conditions have been added, no additional fees are required, and the single-family residence is not altered. The single-family residence is consistent with the General Plan Land Use Designation, and applicable General Plan goals and policies, and the project is consistent with the development standards for the R-8 Zone. Based upon the aforementioned findings and subject to the conditions of approval, the project is hereby approved.

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## CONDITIONS OF APPROVAL

### **SPECIFIC CONDITIONS:**

#### **CONTACT THE DEVELOPMENT SERVICES DEPARTMENT REGARDING COMPLIANCE WITH THE FOLLOWING CONDITION(S):**

**SCA** The following specific conditions shall be completed and/or fulfilled to the satisfaction of the Development Services Department - Planning:

1. Approval of the Time Extension will expire on December 22, 2023, at 5 p.m., one year after the approval of this project, unless the conditions have been met or an extension of time has been approved pursuant to the Municipal Code.

### **STANDARD CONDITIONS:**

#### **CONTACT THE DEVELOPMENT SERVICES DEPARTMENT REGARDING COMPLIANCE WITH THE FOLLOWING CONDITION(S):**

- A 04** This project is conditionally approved as set forth on the application and project drawings stamped received by the City on August 7, 2019, and on **Month Day, 20XX** (the same plans were submitted as part of the Time Extension request) consisting of 10 sheets including Title Page (Sheet A0.0), Site Plan (Sheet A0.1), Floor Plans (Sheets A1.0 and A1.1), Roof Plan (Sheet A1.2), Elevations (A2.0 and A2.1), and Preliminary Grading Plan (One Sheet) - all designated as approved by the Development Services Director on May 5, 2023, and shall not be altered without express authorization by the Development Services Department.
- A 02** **Approval - General:** This approval may be appealed to the City Council within 15 calendar days from the date of this approval in accordance with Chapter 1.12 of the Municipal Code.
- A 05** **Approval - General:** All conditions of approval of Development Services Decision No. DSD-2020-46 (Case No. CDP-003366-2019) dated December 22, 2020, shall remain in full force and effect unless specifically modified herein.

### **DISCLOSURES**

This notice constitutes a decision of the Development Services Department only for the discretionary entitlement. Additional permits, such as Building and Grading Permits, may be required by the Development Services Department or other City Departments. It is the property owner's and applicant responsibility to obtain all necessary permits required for the type of project proposed.

In accordance with the provisions of Municipal Code Section 1.12, the decision of the Development Services Department may be appealed to the City Council within 10 calendar days of the date of this determination. The appeal must be filed, accompanied by a \$406 filing fee, prior to 5:00 pm on the 10<sup>th</sup> calendar day following the date of this Notice of Decision. Any filing of an appeal will suspend this action as well as any processing of permits in reliance thereon in accordance with Encinitas Municipal Code Section 1.12.020(D)(1) until such time as an action is

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taken on the appeal. **The action of the Development Services Department may not be appealed to the California Coastal Commission.**

**SIGNATURE**

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Katie Innes  
Planning Manager



**Certificate Of Completion**

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Katie Innes

kinnes@encinitasca.gov

Principal Planner

City of Encinitas

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